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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,911	07/13/2006	Tsukasa Yoneyama	8089-1002	1627

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EXAMINER
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LEE, BENNY T

ART UNIT	PAPER NUMBER
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2817

MAIL DATE	DELIVERY MODE
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09/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,911	<b>Applicant(s)</b> YONEYAMA ET AL.	
	<b>Examiner</b> Benny Lee	<b>Art Unit</b> 2817	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21 and 25-28 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>15 November 2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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Applicant's election of Species I, claims 21 & 25 in the reply filed on 19 June 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Moreover, applicants' selection of claim 25 as belonging to the elected species does not appear appropriate since FIGS. 1 & 2 corresponding to the elected species does not include the "first conductor rod" and the "second conductor rod" associated therewith. Accordingly, claim 25 has been withdrawn by the examiner as being directed to a non-elected species.

Claims 25-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 June 2008.

The specification is replete with grammatical errors too numerous to mention specifically. The specification should be revised carefully. Examples of such errors are: Page 1, 9<sup>th</sup> line from the bottom, note that "has been strongly demanded" should be rephrased for idiomatic clarity; 7<sup>th</sup> line from the bottom, note that --type of-- should be inserted between "this" & "communication" for grammatical clarity. Page 3, lines 9, 10, note that "requiring a troublesome operation which takes time and labor" should be rephrased for idiomatic clarity. Page 3, lines 22, 23 & page 4, lines 2-5, note that "possibly obtained ... irregularities ... are large" should be respectively rephrased for idiomatic clarity. Page 4, last line, note that a --,-- should be inserted after "loss" for grammatical clarity. Page 6, line 17, it is noted that "rst" should be rewritten as --first-- for a correct spelling. Page 7, line 14, it is noted that "rod" should be changed to --rods-- for grammatical clarity. Page 9, last line & page 10, line 10, note that --

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the-- should be inserted between “on” & “presence/absence”, respectively for grammatical clarity. Page 11, line 18 & page 20, line 13, note that “excluding” should be rewritten as --outside of-- , respectively for idiomatic clarity; lines 23, 24, note that --only-- should be inserted prior to “through” (i.e. line 23) & “alone” should be deleted (i.e. line 24) for idiomatic clarity. Page 12, line 17, note that “earthed” should be rewritten as --grounded-- for idiomatic clarity. Page 16, line 18, it is noted that --to thereby-- should be inserted prior to “reduce” for idiomatic clarity. Page 18, lines 17, 19, note that “pieces” should be rewritten as --pierces-- for a correct spelling. Page 21, 4<sup>th</sup> line from bottom, it is noted that “can be securely eliminated” should be rephrased for idiomatic clarity. Page 22, line 1, note that --also-- should be inserted between “can” & “be” for grammatical clarity.

The disclosure is objected to because of the following informalities: Page 3, lines 13, 19, note that the recitation of “dielectric waveguide 101” (i.e. line 13) does not appear consistent with the recitation of “dielectric contact 101” (i.e. line 19) and thus clarification is needed. Page 5, line 7, in the heading, it is noted that “Disclosure” should be rewritten as --Summary-- for consistency with PTO guidelines. Page 11, line 19 & page 20, lines 13, 14, note that reference to “On the contrary, ...” is respectively vague in meaning and needs clarification. Page 13, line 4 & page 14, line 6, note that --(in GHz)-- should be inserted after the respective occurrence of “characteristics” for consistency with the labeling in the corresponding drawing figure. Page 13, line 6, note that the reference to “FIGS. 1 and 2” should just reference --FIG. 2-- since only that figure depicts the “port 1” and the “port 2”. Page 14, lines 2, 4, 5 & page 15, lines 16, 18, note that --in FIG. 2-- should be inserted after “5a” (i.e. page 14, line 2 & page 15, line 18), after “4b” (i.e. page 14, line 4) & after “5b” (i.e. page 14, line 5 & page 15, line 16), respectively for clarity

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of description. Page 15, line 7, it is noted that --in FIGS. 1, 2 and 4, respectively-- should be inserted after “11b” for an appropriate characterization. Page 20, line 16, note that --only-- should be inserted between “can” & “be” for an appropriate characterization; lines 25, 27, note that reference to the term “appressed” is vague in meaning and needs clarification. Page 21, line 7, note that --or linear-- should be inserted after “straight” for an appropriate characterization; line 22, note that --air gap with-- should be inserted between “the “ & “enamel” for an appropriate characterization. Note that the parameter “|S|[dB]” in FIGS. 3, 5 needs a corresponding specification description. Note that “METAL ROD 13” needs a corresponding description in the specification. Similarly, note that reference labels (Conductor Plate (32a, 32b), Metal Plate (33, Rod Portion (33a, 33b), Microstrip Line 34) need description with respect to FIG. 7. Note that the horizontal & vertical axes in the graph of FIG. 9 need description in the specification. Finally, note that the various descriptive terminology in the graphs of figs. 13 & 14 need a corresponding description in the specification. Appropriate correction is required.

The drawings are objected to because of the following: In FIGS. 11, 12 & 15, note that these drawing figures need to be designated as --PRIOR ART-- as to be commensurate with the specification description thereof.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The use of the trademark Teflon (e.g. page 2, line 5; page 11, lines 9, 10; page 12, lines 1, 2; page 20, line 5) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, note that the recitation "and has a gap which is less than  $\frac{1}{2}$  wavelength" is not definite as to where this "gap" is located and with respect to what features this "gap" is between. Clarification is needed. Note that the recitation "determined as a ground conductor with respect to the conductor rod" is vague in meaning and needs clarification. Note that the recitation "in parallel with the parallel conductors" is a proper characterization of the orientation of the coaxial line. Clarification is needed.

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The following claims have been found to be objectionable for reasons set forth below:

In claim 21, line 5, note that “adjacently arranged in” should be rewritten as --arranged adjacently to be-- for an appropriate characterization.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kii et al (e.g. Fig. 10) & Okamura et al (e.g. Fig. 4) both pertain to dielectric waveguides sandwich between conductive plates and including a conductive rod structure, but do not respectively disclose a coaxial line passing through the conductive rod structure between the dielectric waveguide and a a microstrip circuit.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

**/BENNY LEE/  
PRIMARY EXAMINER  
ART UNIT 2817**

B. Lee